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South San Francisco Police Department, and
Mark Raffaelli

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HOWARD ZIMMERMAN and WILLIAM
CARTER,

Plaintiffs,

v.

CITY OF SOUTH SAN FRANCISCO,
SOUTH SAN FRANCISCO POLICE
DEPARTMENT, MARK RAFFAELLI, and
DOES 1 through 10, inclusive,

Defendants.

Case No. C-07 3623 WHA

**NOTICE OF MOTION AND MOTION
TO CONTINUE TRIAL AND
CORRESPONDING DEADLINES;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF; [PROPOSED] ORDER**

Date: May 1, 2008
Time: 8:00 a.m.
Courtroom: 9, 19th Floor
Judge: Hon. William H. Alsup

Complaint Filed: July 13, 2007
Trial Date: August 18, 2008

PLEASE TAKE NOTICE that on May 1, 2008 at 8:00 a.m., or as soon thereafter as this matter may be heard in the above-entitled court, located at 450 Golden Gate Avenue, Courtroom 9, 19th Floor, San Francisco, California, Defendant City of South San Francisco will move, and hereby does move, this Court for an order continuing the trial and corresponding deadlines in this matter. This motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities and supporting affidavit, and all other pleadings and papers on file herein.

I. INTRODUCTION

This motion to continue the trial date from August 18, 2008 to a date convenient to the court, in December of 2008, as well as all corresponding deadlines, is brought by

1 Defendants City of South San Francisco Police Department and Chief of Police Mark
2 Raffaeli.

3 Defendant brings this motion on the grounds that Dan Crawford, counsel for Plaintiff,
4 was in a serious car accident in January 2008, dramatically impacting his ability to work.
5 As a result, the parties have been unable to conduct discovery or any other pre-trial
6 preparation. Mr. Crawford is not yet back at work.

7 **A. Procedural History**

8 Trial for this matter is currently set for August 18, 2008. Mediation is currently set for
9 April 15, 2008. In a separate filing, the parties are stipulating to a continuance of the date
10 to complete mediation to May 12, 2008. See Exhibit A to the Declaration of Samantha W.
11 Zutler in Support of Defendant's Motion to Continue Trial.

12 **II. ARGUMENT**

13 Pursuant to Civil Local Rule 40-1, requests to continue trial must be made by motion
14 in accordance with the provisions of Civil L.R. 7. Here, Plaintiffs' counsel was in an
15 automobile accident in January 2008. See Affidavit of Daniel M. Crawford in Support of
16 Motion to Continue Trial and Corresponding Deadlines, attached as Exhibit B to the
17 Declaration of Samantha W. Zutler in Support of Defendant's Motion to Continue Trial.
18 Since that time, he has been unavailable and unable to tend to this action. Mr. Crawford
19 has not yet returned to work, but anticipates doing so shortly. In light of his condition, the
20 parties have been unable to conduct any discovery or trial preparation in this matter.
21 Accordingly, Defendant requests the Court delay the trial date and attendant deadlines to
22 allow the parties time to prepare their respective cases.

23 **III. CONCLUSION**

24 For the reasons set forth above, Defendants City of South San Francisco Police
25 Department and Chief of Police Mark Raffaeli respectfully request that this Court grant their
26 Motion to Continue Trial and Corresponding Deadlines.

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1 Dated: March 25, 2008

MEYERS, NAVE, RIBACK, SILVER & WILSON

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3 By: _____

Samantha W. Zutler
Attorneys for Defendants City of South San
Francisco, South San Francisco Police
Department, Mark Raffaelli

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8 **ORDER**

9 The date for trial in this action is hereby continued to 12/1/2008. All corresponding
10 deadlines are continued accordingly.

11 IT IS SO ORDERED.

12 Dated: March 27, 2008

13 By: _____



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